

No. 11640

v. 2476

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United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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ROBERT STROUD, Appellant,

vs.

JAMES A. JOHNSTON, Warden, United States  
Penitentiary, Alcatraz Island, California,  
Appellee.

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Transcript of Record

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Upon Appeal from the District Court of the United States  
for the Northern District of California,  
Southern Division

FILED

JUN 13 1947

PAUL H. O'BRIEN,  
CLERK



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NAMES AND ADDRESSES OF ATTORNEYS

ROBERT STROUD,

P. M. B. 594,  
Alcatraz, California.

In Pro. Per. for Appellant.

FRANK J. HENNESSY,

United States Attorney,  
Attorney for Appellee.

In the United States District Court for the  
Northern District of California,  
Southern Division

No. 26895-H

ROBERT STROUD, Petitioner,

vs.

JAMES A. JOHNSTON, Warden, United States  
Penitentiary, Alcatraz, California,  
Respondent.

To The Honorable A. F. St. Sure, Senior District  
Judge:

PETITION FOR TEMPORARY WRIT  
OF HABEAS CORPUS

Comes now, Robert Stroud, who, being duly sworn, upon his oath states that he is a citizen of the United States by birth, of legal age, and at the present time an inmate of the United States penitentiary on Alcatraz Island, California, a place within the jurisdiction of this Court and under the exclusive jurisdiction of the United States; that he has a statement he is required by law, in the public interest, to make before the United States Commissioner at San Francisco at earliest possible moment; that said statement falls within the legal jurisdiction and official duties of Francis St. J. Fox, United States Commissioner at San Francisco;

Therefore, petitioner prays that this Court issue a temporary writ of habeas corpus ordering the Warden of said penitentiary to surrender the body

of petitioner, together with his legal papers, to the custody of the United States Marshal, and ordering said Marshal to transport petitioner and his papers to the office of the United States Commissioner at San Francisco, there permit petitioner to make his statement and transact all lawful business essential thereto and, at the termination of said legal business, to return the body of petitioner safely to the custody of the aforementioned Warden of the United States penitentiary at Alcatraz, California.

/s/ ROBERT STROUD, No. 594  
Alcatraz, California, per se.

State of California,  
County of San Francisco—ss.

Subscribed and sworn to before me this 27 day of  
December, A. D. 1946.

E. J. FULLER,  
Associate Warden, United States Penitentiary, Alcatraz, California. Warden-Associate Warden authorized by the Act of February 11, 1938, to administer oaths.

Records at U. S. Penitentiary Alcatraz, California, indicate that Robert Stroud is a citizen of the United States.

Filed Feb. 18, 1947.

[Title of District Court and Cause.]

### ORDER DENYING WRIT

Petition for temporary writ of habeas corpus having been presented to the Court for consideration, and having been duly considered,

It Is Ordered that the petition be, and the same is hereby, Denied.

Dated: February 20, 1947.

GEORGE B. HARRIS,  
Judge.

Filed Feb. 20, 1947.

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[Title of District Court and Cause.]

### NOTICE OF APPEAL

To the Clerk of the Court and the United States  
Attorney:

You, and each of you, take notice that the petitioner herein hereby appeals to the United States Circuit Court of Appeals for the Ninth Circuit from the Order of Judge Harris, entered herein on February 20, 1947, dismissing the petition.

/s/ ROBERT STROUD, No. 594,  
Alcatraz, California,  
In Propria Persona.

April 21, 1947.

Filed Apr. 24, 1947.



[Title of District Court and Cause.]

PRAECIPE

To the Clerk:

You will please prepare the record on appeal in the above-entitled cause and include therein the following items:

1. The Petition.
2. Judge Harris' Order dismissing same.
3. Notice of Appeal.
4. This Praecipe.
5. Any Orders which may be entered concerning this appeal.

/s/ ROBERT STROUD, No. 594,  
Alcatraz, California,  
In Propria Persona.

April 21, 1947.

Filed April 24, 1947.

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CLERK'S CERTIFICATE TO RECORD  
ON APPEAL

I, C. W. Calbreath, Clerk of the United States District Court for the Northern District of California, do hereby certify that the foregoing pages, numbered from 1 to 5, inclusive, contain a true, full and correct transcript of the records and proceedings in the cause entitled: Robert Stroud, Petitioner, vs. James A. Johnston, Warden, United States Penitentiary, Alcatraz, California, Respondent, No. 26895-H in Habeas Corpus, as the same now remain on file and of record in my office.

I further certify that the cost of the foregoing transcript of record is \$4.00 and that said sum has been paid to me by the Appellant herein.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court at San Francisco, California, this 28th day of April, A. D. 1947.

[Seal]

C. W. CALBREATH,  
Clerk,

/s/ E. H. NORMAN,  
Deputy Clerk.

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[Endorsed]: No. 11640. United States Circuit Court of Appeals for the Ninth Circuit. Robert Stroud, Appellant, vs. James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Northern District of California, Southern Division.

Filed May 31, 1947.

/s/ PAUL P. O'BRIEN,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.